

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LINDA ANN TRICOLI,

Plaintiff,

v.

DECISION AND ORDER
15-CV-837A

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 16, 2016, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No. 19), recommending that the decision of the Commissioner be reversed, and this matter be remanded for further administrative proceedings. Magistrate Judge Scott further recommended that Defendant's motion for judgment on the pleadings (Dkt. No. 17) should be denied, and Plaintiff's motion for similar relief in her favor (Dkt. 9) be granted in part to remand the case and should otherwise be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the decision of the Commissioner is reversed, and this matter is remanded for further administrative proceedings. It is further ORDERED that Defendant's motion for judgment on the

pleadings is denied, and Plaintiff's motion for similar relief in her favor is granted in part to remand the case and should otherwise be denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: December 16, 2016